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AND
BRIEFS

Supreme Court, U.S.
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No. 132, ORIGINAL

IN THE
Supreme Court of the United States

STATE OF ALABAMA, STATE OF FLORIDA, STATE OF TENNESSEE, COMMONWEALTH OF VIRGINIA, AND THE SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMMISSION,

Plaintiffs,

v.

STATE OF NORTH CAROLINA,

Defendant.

On Motion for Leave to File Bill of Complaint

SUPPLEMENTAL BRIEF OF PLAINTIFFS

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SUPPLEMENTAL BRIEF OF PLAINTIFFS

In its *amicus* brief, the United States agrees that "[t]he movants properly invoke the original jurisdiction of this Court to resolve a significant interstate controversy" and that "[t]he Court should grant the motion for leave to file a bill of complaint and direct North Carolina to answer." U.S. Brief 8 (filed April 2003). Plaintiffs are in complete accord with the analysis at pages 1-15 of the United States' brief.

Plaintiffs file this supplemental brief to endorse the United States' proposal that the Court grant the parties leave to file cross-motions for summary judgment on specified legal issues prior to referring this case to a Special Master. *Id.* at 15-18. Plaintiffs agree that "the historic facts that form the background" for the legal issues stated by the United States are "undisputed," and that the parties should "be able to agree on a stipulated record for the purpose of resolving those threshold questions." *Id.* at 16-17. Once North Carolina files its answer, plaintiffs will make every good faith effort to reach agreement with North Carolina on a stipulation of undisputed facts. Plaintiffs further agree that the issues stated by the United States, "respecting the Commission's authority vel non to impose sanctions, present pure questions of law," *id.* at 16, that will resolve or effectively direct this action, and are therefore appropriate for this Court's threshold resolution.

CONCLUSION

The motion for leave to file a bill of complaint should be granted.

Respectfully submitted,

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